

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Wilmot School District
Accountability Review - Focus Monitoring Report 2008-2009**

Team Members: Susan Sletto, team leader, Chris Sargent, Education Specialist

Dates of On Site Visit: November 19, 2009

Date of Report: March 4, 2009

3 month update due: June 4, 2009

Date Received:

6 month update due: September 4, 2009

Date Received:

9 month update due: December 4, 2009

Date Received:

Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

#1 GENERAL SUPERVISION**Present levels:**

ARSD 24:05:30:04 Prior Notice and parent consent. Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services.

Through file review of eight files requiring evaluation, the monitoring team (2005) determined the district did not receive consent for an articulation evaluation which was conducted in one file. In a second file, the district listed ability as an area to be evaluated on the prior notice/consent to evaluate form, but then brought forth the previous ability score rather than evaluate in the area of ability.

Follow-up: November 19, 2008

Finding: Meets Requirement

Corrective Action: None

#2 GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 4, 2005)

ARSD 24:05:28:03 Justification in determining placements. The school district shall explain why a child with a disability is removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

Through file review, the monitoring team (2005) concluded nine of the fifteen files reviewed did not adequately address why or what the student needed that could not be provided in the regular classroom. A justification statement such as, "due to the student's ability to work in the regular classroom effectively with modifications, support and assistance from the resource room" does not address why the student receives services for 4 hours per week in the resource room. A justification statement such as, "student will benefit from 1:1 instruction to show progress...student may come to have tests read orally" also does not address why or what he/she needs that requires him/her to be removed from the regular classroom.

Follow-up: November 19, 2008

Finding: Meets Requirement

Corrective Action: None

3 GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 4, 2005)

ARSD 24:05:27:01.03 Content of individualized education program.

Beginning at least one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority.

Through file review, the monitoring team (2005) concluded the district does not consistently address the transfer of rights at least one year before the student reaches 18 years old. Transfer of rights was not addressed appropriately in either of the two files which required it.

Follow-up: November 19, 2008

Finding: Meets Requirement

Corrective Action: None

#4 GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of March 4, 2005)

ARSD 24:05:27:12. Graduation requirements. The instructional program shall be specified on the individual educational program. The individual education program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. Parents must be informed through the individual educational program process at least one year in advance of the intent to graduate their child upon completion of the individual education program and to terminate services by graduation.

Through file review, the monitoring team (2005) concluded the district did not consistently address graduation requirements at least one year in advance of the graduation day and state specifically how the student will meet the district's graduation requirements. Of the two files requiring graduation to be addressed in the IEP, one file met the time requirement but not the content. The second file did not meet the one-year requirement or the content requirement. Rather than listing only the specific classes the student still needs to successfully complete for the district's graduation requirements, the district reiterated the course of study.

Follow-up: November 19, 2008

Finding:

Through a review of 3 out of 3 files the district did not specifically state the how the student would satisfy the district's graduation requirement.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Onl Date
<p>Activity/Procedure:</p> <p>One year prior to graduation, the district will document the remaining courses needed by the student to meet the district's graduation requirements. Amend the student's IEP if documented inappropriately.</p> <p>Data Collection:</p> <p>The district will review all files of students who will graduate in 2009 reporting the total number of files reviewed and indicate the number of files in which graduation requirements were appropriately documented.</p>	5-30-09	High School Special Education teacher and Special Education Director.	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

5 GENERAL SUPERVISION

Present levels: (Statement of present levels of academic achievement and functional performance that resulted in area of non-compliance from report of November 19, 2008)

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

Follow-up: November 19, 2008

Finding: Through a review of 6 student files, data gathered by the team indicated accommodations/modifications were not consistently provided in the student's instructional program, and accommodations identified in the IEPs for State/District wide assessment were not consistently used during the assessment administration.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Onl Date
Activity/Procedure: 1. The district will review current policy/procedure with the school special education teachers and testing coordinator to determine why discrepancies are occurring. 2. Provide training to staff and testing coordinator to assure proficiency in the implementation of the procedures/process. 3. Collect data to verify accommodations are appropriately documented and provided during state/district assessments. Data Collection: 1. Provide the date when the discussion was held to determine why discrepancies were occurring. 2. Provide the date the staff was trained to assure	5-30-2009	Special Education Director, Special Education Teachers, Testing Coordinator	

proficiency in the implementation of the procedure/process.			
3. Data verifying how many files/IEPs were reviewed documenting an accurate match.			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

#6 DISPROPORTIONALITY

State Performance Plan (SPP) indicator # 9

ARSD 24:05:22:03 Certified Child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individualized education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

ARSD 24:05: 25:04:1a Evaluation procedures – General. School district shall ensure, at a minimum, that evaluation procedures include the following:

- (1) Assessments and other evaluation materials are provided and administered in the child's native language or by another mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so provide or administer. In addition, assessments and other evaluation materials:

ARSD 24:05:25:07 Additional procedures for evaluating specific learning disabilities. In order for a school district to certify a child as learning disabled for the purposes of federal child count, requirements in 24:05:24:01:19 and 24:05:25:08 to 24:05:25:13, inclusive, must be met and documented in a child's record.

Cross-Reference: Child count, ch 24:05:17

Follow-up: November 19, 2008

Finding: Meets Requirement

Corrective Action: None